

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

CODY FULTZ and AMANDA FULTZ

vs

JEWELL TRUCKING, LLC, MERVIN  
CRIGLER, et al

Defendants.

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Case No.  
**2:20-CV-02890-MSN-atc**

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JENNIFER STAFFORD, as Next of King of  
JUSTIN STAFFORD, Deceased; LONJA  
HELOTON and RICHARDON HELTON, as  
Next of King of JARED LEE HELTON,  
Deceased; and KIERAH SLONE, as Next  
Friend of EMILY SAGE STAFFORD, a Minor,

Plaintiffs,

vs

PENSKE TRUCK LEASING CO. a/k/a  
PENSKE TRUCK LEASING CO., et al  
Defendants.

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Case No.  
**2:20-CV-02891-MSN-atc**

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LEJULIAN ROY,

Plaintiff,

vs

PENSKE TRUCK LEASING CO., et al

Defendants.

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Case No.  
**2:21-CV-02009-MSN-atc**

**\*\*PENDING MOTION TO CONSOLIDATE ALL ABOVE MATTERS\*\***

## **CINCINNATI INSURANCE COMPANY'S MOTION TO INTERVENE**

COMES NOW Cincinnati Insurance Company, as subrogee of A&A Safety, Inc., by and through counsel, and move for leave to intervene as Plaintiff's in this action pursuant to Federal Rule of Civil Procedure 24. As grounds therefor, Movant respectfully shows unto the Court as follows:

1. This litigation arises out of an accident occurring on November 6, 2019 in Memphis, Tennessee.

2. A&A Safety, Inc. was performing contract work for the Tennessee Department of Transportation.

3. Cincinnati Insurance Company insured two vehicles owned by A&A Safety, Inc., described as a 2002 Ford F-750 and a 2012 Freightliner M2 106.

4. On November 6, 2019, a semi-truck being driven by Defendant Mervin Crigler was speeding, lost control and crashed into CIC's insured vehicles during the course of their work, causing extensive property damage.

5. Pursuant to Federal Rule of Civil Procedure 24(a)(2), Cincinnati Insurance Company has the right to intervene in this lawsuit in order to protect and enforce its subrogation lien.

6. As of this date, CIC's total damages are unknown, as the trucks are being held by law enforcement due to a pending criminal matter as a result of this accident.

WHEREFORE, Cincinnati Insurance Company as subrogee of A&A Safety, Inc., requests that the court permit it to intervene in the prosecution of Plaintiff's claims against Defendants to the following extent:

(A) To be listed as a represented party and to be provided notice of all proceedings in this litigation;

(B) To receive notice of and participate in any mediation and participation in settlement discussions;

(C) Participation in any hearings which may be held concerning the terms of settlement and/or its impact on Cincinnati Insurance Company's subrogation interests;

- (D) If necessary, to put on evidence about its damages; and
- (E) If necessary, to offer oral argument to the jury about such costs.

/s/ Gregory A. Eldridge  
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### **CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 7<sup>th</sup> day of April, 2021, served a copy of the foregoing discovery on counsel for the parties to this proceeding by via electronic mail, as follows:

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